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July 7, 2006

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Washington D.C. 20554

Attn: Shaun Maher, Esq.

Re: MB Docket No. 03-15
West Virginia Media Holdings, LLC (FRN 0005921689)
WTRF-DT, Wheeling, WV (Fac. ID 6869)(BPCDT-19991028ADC)
Request for Waiver of Replication/Interference Protection Deadline

Dear Ms. Dortch

On behalf of West Virginia Media Holdings, LLC ("WVMH"), the licensee of WTRF-TV, Channel 7, Wheeling, WV, and permittee of WTRF-DT, Channel 32, Wheeling, WV, the purpose of this submission is to request waiver of the "use-it-or-lose-it" deadline set forth at paragraph 78 of the Commission's *Second Periodic Review*, 19 FCC Rcd 18 (2004). The instant request is submitted pursuant to the *FCC Public Notice, "Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline,"* DA 06-1255 (released June 14, 2006)(" *June 14, 2006 Public Notice*"), as extended by *FCC Public Notice, "Media Bureau Extends Filing Deadline for Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline to July 7, 2006,"* DA 06-1372 (released June 29, 2006) ("*June 29, 2006 Public Notice*").

As discussed below, absent waiver, WTRF-DT would be subject to that portion of Paragraph 78, as extended by the *June 29, 2006 Public Notice*, establishing a July 1, 2006 deadline for stations that have received a tentative DTV channel designation *on a channel that is not their current DTV channel*, to establish DTV facilities that serve at least 80% of the number of viewers served by the station's NTSC facility in 1997.

WTRF-DT received a tentative DTV channel designation on a channel that is not its current DTV channel. Specifically, WTRF-DT received a tentative DTV channel designation on its current NTSC channel, VHF Channel 7,[1] but Channel 32 is the channel currently authorized for WTRF-DT by construction permit ("CP")[2] and Special Temporary Authority ("STA")[3]. WTRF-DT specified replication in its Form 381.[4] WTRF-DT is in a DMA below the Top 100 markets.

In support hereof, the following is respectfully shown:

WTRF-DT is authorized by CP to top-mount its digital antenna on the tower where the WTRF-TV analog antenna is presently top-mounted. Since commencing digital operation in 2002 pursuant to STA, WTRF-DT has operated with facilities that fully-serve Wheeling, its community of license, using an antenna side-mounted below the WTRF-TV antenna.[5]

The Commission has recognized that the foregoing circumstance prevents replication in accordance with the Paragraph 78 deadline. At page 5 of the *June 14, 2006 Public Notice* the Commission stated:

> "[S]ome licensees with a top-mounted analog antenna and a side-mounted digital antenna state that they cannot replicate completely their analog signal in digital without switching antennas, which would cause some analog viewers to lose service."

The Engineering Statement of Cohen, Dippell and Everist, P.C. attached hereto discusses technical constraints which prevent WTRF-DT from accomplishing replication at this time. WTRF-DT seeks to preserve its interference protection and its right to replicate, notwithstanding the detailed technical constraints. The *June 14, 2006 Public Notice* set forth five factors to be addressed in waiver requests by such stations. Each of these factors are addressed below:

(1) How close to full replication/maximization the licensee will be as of the deadline.

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[1] *FCC Public Notice, "DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections"*, DA 05-2743 (released June 23, 2005) at Attachment I, page 30.

[2] BPCDT-19991028ADC.

[3] BDSTA-20021022ABI (granted October 31, 2002), as extended by BEDSTA-20030428AFH (granted May 14, 2003), BEDSTA-20031112AJR (granted December 9, 2003), BEDSTA-20040607AGB (granted June 25, 2004), BEDSTA-20041216AEX (granted January 13, 2005), BEDSTA-20050706ACT (granted August 11, 2005), and BEDSTA-20060209AEY (granted March 29, 2006).

[4] BCERCT-20041105AIX.

[5] In the *First DTV Periodic MO&O*, 16 FCC Rcd 20594 (2001), the Commission announced that it would allow stations to construct initial DTV facilities designed to serve at least their communities of license, and would continue to provide interference protection to the CP facilities and the allotment "until such time as the Commission determines otherwise (for example, by requiring that licensees either construct full replication or maximization facilities or relinquish interference protection)."

The Commission's "Table of Station Assignment and Service Information" dated December 21, 2004 shows the "replication" population for WTRF-DT as 2,021,169. Therefore, coverage of 1,616,935 persons would be required to achieve the 80% benchmark. The WTRF-DT STA facilities are calculated to cover 330,415 persons, which replicates 16.3% % of 1997 population covered.

(2) The reason the licensee is unable to comply fully.

The WTRF-DT CP authorizes the WTRF-DT antenna to be top-mounted on the current WTRF tower. However, for the WTRF-DT antenna to be top-mounted, the WTRF-TV antenna that presently occupies that position must be removed. At the current time, the WTRF-DT STA antenna is side-mounted. The attached Engineering Statement explains that, if the WTRF-TV analog antenna were lowered and side-mounted at the present position of the WTRF-DT STA antenna so that the WTRF-DT antenna could be top-mounted, a significant loss in the number of viewers able to receive the analog service of WTRF-TV would result, contrary to the public interest.

The attached Engineering Statement further notes that there are questions as to whether the WTRF tower would be structurally adequate to support both the VHF antenna used for the NTSC operation of WTRF-TV and UHF antenna specified in the WTRF-DT construction permit, under the iced conditions that typically exist at the antenna site for a significant portion of the year. The UHF antenna specified in the WTRF-DT CP is larger and heavier than the UHF antenna used by WTRF-DT for its DTV STA operation

The Engineering Statement also investigated the possibility of relocating the WTRF-TV analog operation, from a top-mounted VHF antenna on Channel 7, to a side-mounted UHF antenna for operation on Channel 32, so that WTRF-DT could commence full DTV operation through the VHF antenna on its tentatively designated DTV channel, Channel 7. As noted in the Engineering Statement, the aforementioned swap of channels and antennas, assuming analog operation of WTRF-TV at 1000 kW, would result in a substantial reduction of the population currently within the analog station's Grade B contour.

While it is the goal of WVMH to operate post-transition in the upper VHF band, the need to continue to maintain full operation of its existing NTSC service until such time must be recognized.

(3) The cost to the licensee and the impact on viewers if the licensee were required to comply fully.

Cost to licensee: In order to complete construction of the WTRF-DT CP facilities at this time, WVMH would have to replace the top-mounted VHF NTSC antenna for WTRF-TV with the UHF antenna specified in the WTRF-DT CP, a Dielectric TFU-30GTH 04, which is a larger and more powerful antenna than is presently used for the WTRF-DT UHF STA operation, a Scala SL-8. In addition, the WTRF-DT STA transmitter, a Thales Affinity 500W, would have to be

replaced with a more powerful Purpose Harris Platinum 34kw transmitter. The transmission line would also have to be replaced. Those additional expenses would significantly compound the stranded capital already invested in the antenna, transmitter and transmission line currently used in the temporary UHF STA operation of WTRF-DT.

Impact on viewers: As explained in the Engineering Statement, lowering and side-mounting the VHF antenna used by WTRF-TV for its analog operation, in order to make way for top-mounting the UHF WTRF-DT antenna specified in the WTRF-DT construction permit, would result in a significant reduction in the number of persons within the Grade B contour of the analog operation of WTRF-TV. Such a result would be an extremely adverse impact in an area of West Virginia where analog sets presently greatly outnumber the number of digital sets in use, contrary to the public interest in continued availability of analog service through the transition deadline.

(4) Whether the licensee will be able to modify its operation to comply fully after analog operation terminates (*e.g.*, relocate its DTV antenna to the top of the tower).

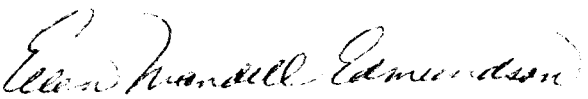
The licensee expects to be able to accomplish full DTV operation promptly after the analog operation of WTRF-TV terminates. The station has a tentatively designated VHF DTV channel, and plans to use the currently top-mounted VHF antenna for its digital operation (as well as the existing transmitter (with minor modification), transmission line and system.

(5) Any other relevant factors.

WTRF-TV has served Wheeling, West Virginia since 1953 and is the only CBS affiliate in the DMA. Waiver of the "use-or-lose" deadline is respectfully requested under the circumstances presented to ensure that, post-transition, current viewers that have come to rely on the service provided by WTRF-TV for more than half a century will continue to receive the station.

Accordingly, it is respectfully requested that the Commission waive the replication deadline that would otherwise be applicable to WTRF-DT.

Respectfully submitted,



Ellen Mandell Edmundson

Cc (via e-mail): Shaun Maher (shaun.maher@fcc.gov)
Nazifa Sawez (nazifa.sawez@fcc.gov)
Nai Tam (nai.tam@fcc.gov)

Cc (LPF copy): Gary McNair (WTRF-TV)

ENGINEERING STATEMENT
TO ACCOMPANY WAIVER REQUEST
TO SEEK EXTENSION OF JULY 1, 2006
REPLICATION/MAXIMIZATION INTERFERENCE PROTECTION
WTRF-TV, WHEELING, WEST VIRGINIA

JULY 2006

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 6th day of July, 2006.

Notary Public

My Commission Expires: 7/28/2008

This engineering statement has been prepared on behalf of West Virginia Media Holdings, LLC, licensee of TV station WTRF-TV, Channel 7, Wheeling, West Virginia, in support of its request for waiver of the July 7, 2006 (as extended) replication/maximization interference protection deadline established in paragraph 78 of the Second Periodic Review, 19 FCC Rcd 18269 (2004). Absent waiver, paragraph 78, as subsequently extended by FCC Public Notice dated June 29, 2006, would require WTRF-DT to replicate 80% of the population served by 1997 authorized WTRF NTSC facilities by the July 7, 2006 deadline.

Television station WTRF-TV has been in operation since October 23, 1953, providing an off-the-air VHF NTSC signal to the Wheeling area. The NTSC facilities of WTRF-TV utilize a top-mounted antenna to operate on VHF Channel 7 with an ERP of 316 kW and 293 meters antenna height above average terrain ("HAAT") or 217 meters above ground.

WTRF-TV is authorized to construct DTV facilities (FCC File No. BPCDT-19991029ADC) on Channel 32 with an ERP of 730.9 kW directional at a height of 293 meters above average terrain or 217 meters above ground. The authorized DTV facilities will utilize a top-mounted antenna on the existing WTRF-TV tower .

Since 2002, WTRF-DT has operated pursuant to STA (FCC File No. BDSTA-20021022ABI, subsequently extended) on UHF Channel 32 with an ERP of 4.50 kW, from a side-mounted Scala

SL-8 antenna on the WTRF tower at a height of 140 meters above average terrain or 64 meters above ground.

Station WTRF-TV is faced with the dilemma in transitioning with the ultimate goal of delivering comparable digital off-the-air signal while decomissioning the over 50-year delivery of off-the-air signal VHF NTSC signal. The complication for station WTRF-TV is the practical requirement of achieving both robust NTSC and DTV signals from the existing WTRF-TV tower to serve the rugged terrain of West Virginia.

As indicated above, WTRF-TV is owned and operated by West Virginia Media Holdings ("WVMH"). WVMH is the owner of a small group of four television stations serving various West Virginia markets. Due to the extraordinary challenges presented by the rugged West Virginia terrain, WVMH elected, and received tentative DTV channel designations, on high VHF channels. UHF signals, due to the physics of radio frequency transmission, are inherently less efficient in the conversion of radio waves to the electrical signals used by the television receiver, and are subject to greater losses from environmental conditions such as rugged terrain, than VHF signals. Three of the four stations licensed to WVMH received tentative DTV channel designations on the stations' current NTSC channels in the VHF band, and it is the intention of WVMH to operate the stations' DTV service through the VHF antennas presently being used for NTSC operation.

If the current WTRF-TV NTSC antenna is lowered and side-mounted at the current position of the DTV STA antenna, this would result in a loss of NTSC service of 968,162 persons.

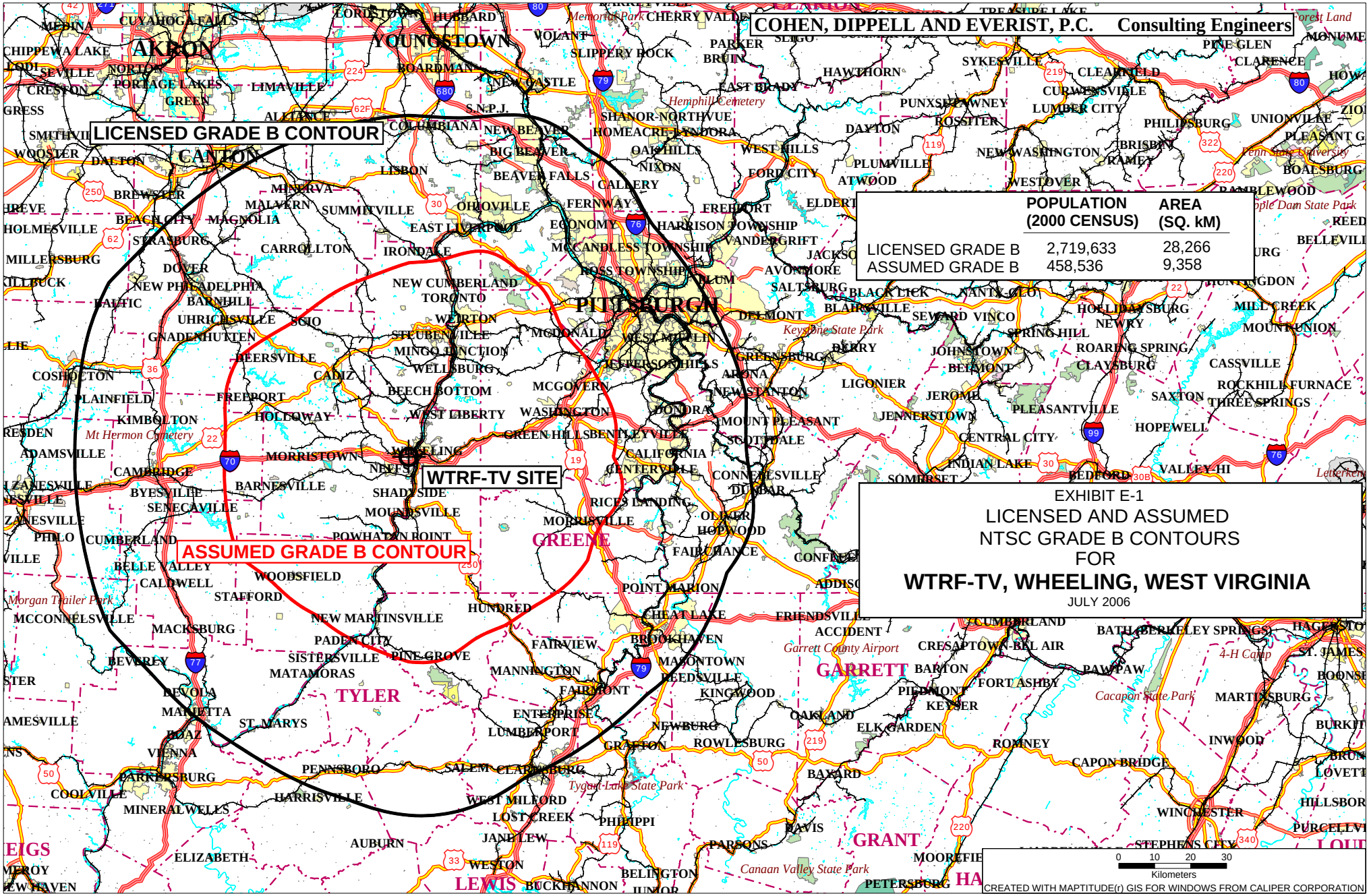
If WTRF-DT were to be constructed at this time in accordance with the currently outstanding WTRF-DT construction permit which requires a top-mounted antenna, WTRF-TV would have to remove the side-mounted DTV antenna presently used in the station's STA operation, and install at the top of WTRF-TV tower the larger and heavier Dielectric Type TFU-30GTH04 antenna to accomplish the higher power operation. There are questions as to whether the WTRF-TV tower would be structurally adequate to support both the presently top-mounted VHF RCA Type TW-9A7-P VHF antenna used for NTSC operation and the Dielectric, Type TFU-30GTH04 UHF antenna for DTV in the iced conditions that exist at the antenna site for a portion of the year.

Similarly, a T-bar to permit 2 top-mounted antennas (one VHF and one UHF) is probably not structurally feasible for a self-supporting 40-year old tower.

If WTRF-TV were to revert to its DTV election and operate DTV Channel 7 using the top-mounted antenna prior to the transition deadline, the current NTSC analog operation of WTRF-TV would be changed to Channel 32. Assuming an ERP of 1000 kW using the side-mounted directional antenna currently used for DTV operation, Exhibit E-1 demonstrates that the resultant

Grade B contour for Channel 32 analog operation would be substantially reduced, with the side-mounted antenna.

While it is the goal of WVMH to operate post-transition in the upper VHF band, the need to continue to maintain its existing NTSC service until such time must be recognized. To do otherwise would result in a population loss of 2,261,097 over 18,908 square kilometers within the current Grade B contour with the NTSC side-mounted antenna.


COHEN, DIPPELL AND EVERIST, P.C. Consulting Engineers
LICENSED GRADE B CONTOUR
ASSUMED GRADE B CONTOUR
WTRF-TV SITE
POPULATION (2000 CENSUS) AREA (SQ. kM)
LICENSED GRADE B 2,719,633 28,266
ASSUMED GRADE B 458,536 9,358
EXHIBIT E-1
LICENSED AND ASSUMED
NTSC GRADE B CONTOURS
FOR
WTRF-TV, WHEELING, WEST VIRGINIA
JULY 2006
AKRON
CANTON
YOUNGSTOWN
PITTSBURGH
WHEELING
GREENE
TYLER
GARRETT
GRANT
LEWIS
Kilometers
CREATED WITH MAPTITUDE(r) GIS FOR WINDOWS FROM CALIPER CORPORATION